

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

T.S., by and through his next friend, P.O., and G.A., *individually and on behalf of all others similarly situated,*

Plaintiffs,

V.

THE BURKE FOUNDATION *d/b/a*  
BURKE CENTER FOR YOUTH,

Defendant.

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1:19-CV-809-RP

## ORDER

On January 12, 2021, the Fifth Circuit announced a new standard for evaluating FLSA collective actions at the notice stage. *See Swales v. KLLM Transp. Servs., L.L.C.*, 2021 WL 98229, at \*1 (5th Cir. Jan. 12, 2021). To resolve Plaintiffs T.S., by and through his next friend, P.O., and G.A.’s, individually and on behalf of all other similarly situated, (collectively, “Plaintiffs”) Motion for Notice to Class Members and Conditional Certification as an FLSA Class Action, (Dkt. 22), the Court now requires additional briefing from the parties.

Accordingly, **IT IS ORDERED** that the parties submit simultaneous supplemental briefing on Plaintiffs' Motion for Notice to Class Members and Conditional Certification as an FLSA Class Action. (Dkt. 22), in light of the Fifth Circuit's decision in *Smales v. KLLM Transp. Servs., L.L.C.*, 2021 WL 98229, at \*1 (5th Cir. Jan. 12, 2021), on or before **January 29, 2021**. Plaintiffs' brief and Defendant's brief each are limited to **20 pages**.

**SIGNED** on January 14, 2021.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE

